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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:	]	
Loyd R. Hornback III, et al.	]	Group Art Unit: 1764
Serial No.: 08/971,851	]	
Filed: November 17, 1997	]	Examiner: Tran, H.
For: SURFACE TENSION	]	
RELIEVED MOUNTING	]	
MATERIAL	]	

REPLY BRIEF PURSUANT TO 37 C.F.R. 1.193(b)(1)

Mail Stop Appeal Brief- Patents  
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This brief is being filed in reply to the new points of argument raised in the Examiner's Answer dated February 11, 2004.

The Examiner's Answer raises several issues with regard to statements contained in Appellant's Brief concerning the translation of JP 61-89916, the primary reference utilized in rejecting the claims on appeal. Thus, at the top of page 10 of the Examiner's Answer, it is stated that "it is unclear as to which translation appellants are intended to use, the PTO translation, or the translation provided by appellants. It should be noted that the PTO translation is relied upon throughout the prosecution of the instant application."

First, the indication that "the PTO translation was used throughout prosecution" is not accurate. In fact, the translation of JP 61-89916 provided by applicants was initially submitted in a Supplemental Information Disclosure Statement filed September 17, 1999. On the other hand,

the PTO translation first appeared as an attachment to Paper No. 29, the Office Action dated January 13, 2003. Accordingly, from at least September 17, 1999 until January 13, 2003, both the Examiner and the applicants relied upon the translation of JP 61-89916 submitted by the applicants.

In addition, it is submitted that Appellants' Brief made reference to both translations, each such reference being clearly identified with regard to the intended translation. This appears especially in the 3 paragraphs starting with the paragraph bridging pages 10 and 11 of Appellants' Brief [with emphasis supplied]:

--Moreover, the grooves in the mat of JP 61-89916 are designed solely to reduce the excessive occurrence of compressive pressure on the pollution control element while maintaining an excellent air-tight capability. See PTO translation page 1, paragraph 3 and page 2, first full paragraph. The grooves 1a of JP 61-89916 define gaps in the surface of the sheet material, so that when excessive compressive force is applied, a part of the projections b on the surface of the seal-mat move into the concaves 1a and the compressive force is reduced, preventing breakage of the honeycomb catalyzer. In this regard, according to the translation of JP 61-89919 submitted by applicants, "the shape and number of concaves and method used to produce them, etc. are not limited as long as the above-mentioned effect can be achieved." Page 5, lines 8-10 (emphasis supplied).

On page 4 of the final Office Action, the Examiner states "JP 61-89916 discloses that any shape, any number or any arrangement can be used for the score lines." In fact, however, this misstates the PTO translation (pages 3-4) in a very important way. The PTO translation actually states that "[a]s long as said effect is obtained, any shape, any number, and any arrangement means can be used for the grooves." It is submitted that "arrangement means" is equivalent to "method used to produce them" found on page 5 of the translation of JP 61-89916 provided by the applicants. Thus, the "arrangement means" is the process by which the score lines are arranged on the sheet material, rather than their orientation.

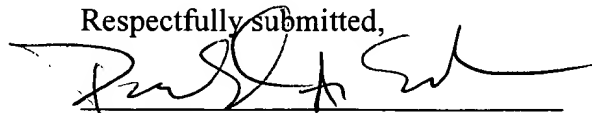
Neither translation of JP 61-89916 contains any suggestion that the direction of the grooves 1a can or should be altered so that they extend across the entire width of the sheet material as defined by the claims. In fact, according to the PTO translation, JP 61-89919 continues by providing that "grooves with a wave surface, grooves with a groove that has an in-line arrangement, or grooves with discontinuous multiple depressions can be given other than grooves as shown in Fig. 1." Obviously, JP 61-89916 did not contemplate the use of a score-line extending across the entire width of the sheet material, such width corresponding to a direction of exhaust gas through the device.-

As two translations had been relied upon during the course of prosecution, Appellants' Brief referred to both. Contrary to the assertion in the Examiner's Answer, however, the brief consistently did so in a manner that made clear which of the two translations was intended. It was deemed helpful to refer to the translation submitted by applicants as an aid in interpreting a portion of the PTO translation. Specifically, the Examiner had taken the position that "JP 61-89916 discloses that any shape, any number or any arrangement can be used for the score lines." In fact, however, the PTO translation actually states (pages 3-4) that "[a]s long as said effect is obtained, any shape, any number, and any arrangement means can be used for the grooves." Reference was then made to the corresponding text in the translation submitted by applicants, where instead of "arrangement means" the Japanese had been translated to "method used to produce them." See page 5 of the translation of JP 61-89916 provided by the applicants.

Thus, taking both translations into consideration, it can be seen that the "arrangement means" referred to in the PTO translation of JP 61-89916 refers to the process by which the score lines are arranged on the sheet material, rather than their orientation. Neither translation of JP 61-89916 contains any suggestion that the direction of the grooves 1a can or should be altered so that they extend across the entire width of the sheet material, as defined by the claims on appeal.

For all of the foregoing reasons and those contained in Appellants' Brief, it is submitted that all of the claims on appeal are allowable, and a favorable decision to that end is courteously solicited.

Respectfully submitted,



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